

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|----------------------------------|---|------------------|
| J.R. BYRGE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No.: 3:04-CV-147 |
| |) | (VARLAN/SHIRLEY) |
| JO ANNE B. BARNHART, |) | |
| Commissioner of Social Security, |) | |
| |) | |
| Defendant. |) | |

ORDER

This Social Security appeal is before the Court on the Report and Recommendation filed by United States Magistrate Judge C. Clifford Shirley, Jr. on June 27, 2005 [*see* Doc. 15]. There have been no timely objections to the Report and Recommendation, and enough time has passed since the filing of the Report and Recommendation to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Magistrate Judge Shirley found that the Commissioner's decision denying plaintiff's application for childhood Supplemental Security Income benefits is supported by substantial evidence in the record as a whole and recommended that plaintiff's motion for summary judgment [Doc. 10] be denied and that defendant's motion for summary judgment [Doc. 12] be granted.

After a careful review of this matter, the Court is in agreement with Magistrate Judge Shirley's recommendation which the Court adopts and incorporates into its ruling. Plaintiff's motion for summary judgment [Doc. 10] is **DENIED** and defendant's motion for summary

judgment [Doc. 12] is **GRANTED**. The Court **ACCEPTS IN WHOLE** the Report and Recommendation [Doc. 15] and this case is hereby **DISMISSED**.

IT IS SO ORDERED.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE